

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC)	
COMPANY RIGHT-OF-WAY AGREEMENT)	CASE NO. 89-195
WITH MCI TELECOMMUNICATIONS)	
CORPORATION)	

O R D E R

This matter arising upon joint petition of Louisville Gas and Electric Company ("LG&E") and MCI Telecommunications Company ("MCI"), filed May 19, 1989, for confidential treatment of certain material contained in a contract between them, and upon motion by South Central Bell Telephone Company ("SCB"), filed June 20, 1989, to intervene, and it appearing to the Commission as follows:

LG&E and MCI have submitted for approval a special contract under the terms of which LG&E has agreed to replace a static wire on some of its transmission towers with a fiber optic cable. The new cable will serve the dual purpose of carrying telecommunications traffic for MCI while serving as a static wire for LG&E. The fiber optic cable will be installed at MCI's expense and MCI will make rental payments to LG&E for the use of its right-of-way. The information sought to be protected relates to the price, terms, and conditions of the grant of right-of-way to MCI. MCI and LG&E maintain the disclosure of this information will jeopardize their ability to freely negotiate similar contracts in the future. MCI also maintains that disclosure of

such information to its competition will cause it substantial harm, but the petition does not state how such harm will occur.

807 KAR 5:001, Section 7, protects information as confidential only when it is established that disclosure will result in competitive injury to the person possessing the information. While disclosure of the information sought to be protected by MCI and LG&E might affect the negotiation of similar contracts in the future, there is no evidence that knowledge of the information would benefit competitors of LG&E or MCI. Therefore, the petition should be denied.

SCB seeks to intervene as a party to these proceedings on the grounds that the construction and operation of the fiber optic cable could potentially infringe upon its authority and the authority of other local exchange carriers in this state and that SCB should have the opportunity to explore that possibility. SCB has a special interest in the proceeding not otherwise represented and SCB's participation may present issues and develop facts that will assist the Commission in fully considering the matter herein. SCB should, therefore, be allowed to intervene.

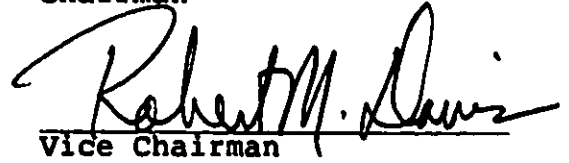
This Commission being otherwise sufficiently advised IT IS ORDERED that:

1. The petition by LG&E and MCI for confidential protection of the information sought to be protected is hereby denied.
2. The motion by SCB to fully intervene as a party to these proceedings is hereby granted.

Done at Frankfort, Kentucky, this 19th day of July, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director